

Minutes of Meeting
Washington State Board of Optometry

A meeting of the Washington State Board of Optometry was called to order at 9:00 a.m., on Friday, September 9, 2005 by Thomas Riley, O.D., Chair. The meeting was held in Conference Room Two, of the Department of Health Offices, Center Point Corporate Park, 20435 72nd South, Kent, Washington.

BOARD MEMBERS

PRESENT: Thomas Riley, O.D., Chair
R. Richard Ryan, Jr., O.D.
Lund Chin, O.D.
Jeffrey Sutro, O.D.
Mariann Tonder, O.D.
Mary Lou Staples, Public Member

STAFF PRESENT: Gail Yu, Assistant Attorney General
Kristi Weeks, Staff Attorney
Steven Saxe, Executive Director
Judy Haenke, Program Manager
Janelle Teachman, Program Manager
Georgia Sage, Administrative Assistant

OTHERS PRESENT: Jim Grimes, O.D.
Jerriann Hughes, Wal-Mart Vision Center

ORDER OF AGENDA

OPEN SESSION:

1. CALL TO ORDER

1.1 Approval of Agenda

The agenda was approved with the exception of Item 2, Executive Director Report, which was moved to follow Item 1.3.

1.2 Approval of Minutes of March 18, 2005, Meeting

The minutes of the March 18, 2005, meeting were approved as written.

1.3 Approval of Minutes of April 23, 2005, Meeting via Telephone Conference

The minutes of the April 23, 2005, Telephone Conference Call were approved as written.

2. Executive Director Report – Steven Saxe, Executive Director

Mr. Saxe provided an update on staff reorganization, budget and fees, and legislation.

Staff reorganization: Almost one year ago, centralized investigative and legal services were brought together under one manager. Staff realignment is also taking place within the individual Sections of Health Professions Quality Assurance. Section Four includes optometry, pharmacy veterinary, dispensing optician, orthotics, prosthetics, and ocularist. To address increased workload within Section Four, staff has been reorganized into three separate units; credentialing, disciplinary including investigation and compliance and Board or Commission support. For the Board of Optometry, these changes mean that application processing and licensing will be processed through a credentialing unit that will process all applications for Section Four. Complaint intake, investigation, and compliance for Section Four will be managed by Janelle Teachman, Program Manager and Georgia Sage, Administrative Assistant. Judy Haenke, Program Manager will be Board support for the Board of Optometry, Veterinary Board of Governors, Dispensing Optician Examining Committee and the Ocularist Program. Doreen Beebe, Program Manager will be board support for the Board of Pharmacy and Orthotics and Prosthetics Advisory Committee. Board support includes rule and policy development, legislation, budget, continuing education approval and audit, board and committee appointment and examination development and administration.

Budget and Fees:

Fees are collected from 57 health care professions including over 100 credentials types. Fees are deposited into each profession's account and used for profession specific expenditures. At the beginning of each biennium, a budget is adopted for the next two years. The budget is based on past spending, and additional legislatively approved spending or reductions in programs or employees. In the 2003-2005 biennium, unanticipated expenditures in travel, public disclosure, and disciplinary workload including investigations and legal activity, resulted in over 50% of the profession's budgets being overspent. Cost cutting measures were quickly taken and spending through June 2005 was close to target. For the 2005-2007 biennium, the legislature has approved \$10 million additional spending authority to address immediate needs for investigators, legal staff and purchase of a new licensing system. Additional spending authority will be requested in 2006.

At the same time that unanticipated costs resulted in over spending, surplus revenue in the Health Professions Accounts resulted in more money in the accounts that is legally allowed. To address the surplus revenue, renewal fees only, for the affected accounts were reduced. The reductions will be reviewed annually. Optometry did not realize a reduction in fees.

Legislative Update:

HB 2266 Access to Certain precursor drugs. Precursor drugs are substances that can be used to manufacture controlled substances. Ephedrine, pseudoephedrine, or phenylpropanolamine are common precursor items that are often used to manufacture methamphetamine illegally. Beginning October 1, 2005, licensed retailers or prescribers may only store products so they are not accessible to the public, must view photo identification and sell only to persons 18 years old or older. After January 1, 2006, the seller or prescriber must maintain a log of the transactions and may only sell two packages or (currently may sell three packages) in a 24 hour period.

SHB 1951 Regarding Vision Exams for School Age Children.

Washington Department of Health rules require school districts to provide visual screenings of all children in kindergarten, and grades one, two, three, five, and seven or for any child showing signs of possible vision loss. Screening must be performed by persons competent to administer the screening procedures as a function of their professional background. Under SHB 1951 The Department of Health is directed to convene a work group for the purpose of reevaluating and making recommendations for changes to procedures used for visual screening of students in public schools. The work group must consider: the benefits of complete eye examinations for all children; when visual screenings, complete eye exams, or both should be done; and what screening techniques are most appropriate. The work group must consult with the Office of the Superintendent of Public Instruction, the State Board of Health, the Optometric Physicians of Washington, and the Washington Academy of Eye Physicians and Surgeons. A preliminary report to the Legislature and the State Board of Health is due December 1, 2005, and final recommendations are due December 1, 2006. The workgroup is currently meeting approximately monthly.

1.4 Board Chair Report

Thomas Riley, O.D., addressed the Board to recognize Richard Ryan, O.D.. Dr. Ryan was first appointed to the Board on November 18, 1999, and was reappointed for a second term on September 9, 2002. This is Dr. Ryan's last meeting as a member of the Board. On behalf of the Board, Dr. Riley presented a plaque to Dr. Ryan in appreciation of his dedication and leadership

Dr. Riley reminded the Board of the leadership forum to be held in Tumwater on Monday, September 12. Governor Gregoire will be the featured speaker. There will also be a reception at the governor's mansion following the meeting. The Board will be represented by Dr. Mariann Tonder. Also, an Association meeting is planned for Monday, October 17, 2005, from 1:30 p.m. to 4:30 p.m.

At our September meeting last year in Yakima, Dr. Jack Hale, asked about a volunteer/retired providers program. We have received information that this program should be open to optometrists. Through the program, insurance is available for

providers when they are engaged in primary, non-invasive care to low-income persons. The program also covers the cost of license renewal for retired volunteers.

The program is administered through the Western Washington Area Health Education Center. The Program Coordinator, Christine Lindquist, has offered to come to a future meeting to provide information on the program. We have contact information for those who are interested.

3. Post Graduate Education Seminar

3.1 Report on March 2005 Seminar

The Board reviewed costs and program evaluation from the March 2005, seminar including:

- A summary of how each speaker rated based on the Evaluation Sheets that were collected.
- Comments about specific speakers collected from the Evaluation Sheets.
- A listing of the general comments collected from the Evaluation Sheets.
- Suggestions for future speakers collected from the Evaluation Sheets.
- A break-down of the cost of the seminar and how the cost compares to past seminars

3.2 Report on March 2006 Seminar Plans from Mariann Tonder, O.D..

Dr. Tonder provided a list of potential speakers for the March 2005, seminar including:

- Eric Skoog, M.D. to speak on Infectious Keratitis.
- Dave Kading, O.D. to speak on contact lens topics.
- Judy Tong, O.D., with topics to be determined.
- Steve Laukaitis, M.D. to speak on Meibomian Gland Dysfunction and Management of Malignancies of the Upper Face.
- Steve Hamilton, M.D. and Eugene May, M.D. speaking on Visual Fields Interpretation and Neuroimaging.
- Dr. Thomas Riley indicated that he would be available to speak if needed.

The Board asked that seminar information include a reminder that, if children are present, they should be as quiet as possible to avoid disturbing other attendees. The Board also suggested that all speakers be informed that they are to restate any questions to the audience prior to giving an answer.

4. Continuing Education

4.1 Dr. Sutro presented the following courses to the Board reviewed for approval.

Northwest Eye Surgeons was approved for two continuing education credit hours for the course entitled Neuro-Ophthalmology Lecture presented in Seattle, Washington on June 29, 2005.

College of Optometrists in Vision Development, Applied Concepts in Vision Therapy Education Program. Approved for fourteen hours. Orlando, Florida on November 1 & 2, 2005.

Pacific Cataract and Laser Institute: Common Vitreoretinal Medical and Surgical Disorders located in Bellevue, WA on 05/24/2005. Adult Strabismus Update : Fact vs. Fiction located in Bellevue, WA on 03/30/2005. Approved two hours for each course

Pacific Cataract and Laser Institute: New Technology in Eyecare and Verisyse IOL. Presented in four locations. Approved for two hours each course.

Pacific Cataract and Laser Institute: Optic Disc Edema, Rosacea Review, Grand Round Case Reviews. Presented in Port Orchard, Washington on 08/19/2005. Approved for three hours.

Portland Veterans Medical Center: VISN 20 Optometry Grand Round Presentation, Portland Oregon, July 12, 2005. VISN 20 Grand Round Presentation Presentation, Portland Oregon, August 9, 2005. Approved for one hour each presentation.

EastWest Eye Conference, Cleveland, Ohio, October 27-30, 2005. All COPE approved courses are approved by the Board. Other courses should be submitted individually with detailed information for approval.

Spokane Eye Clinic: Medications: Diagnosis and Treatment Options in Glaucoma. Approved for one hour. Recognizing Common (And some Uncommon) External Ocular Disorders. Approved for two hours. Both courses located at Deaconess Health Education Center, Spokane, October 8, 2005.

Great Western Council of Optometry, 2005 Portland, Oregon, October 13-14, 2005. All COPE approved courses are approved by the Board. Other courses should be submitted individually with detailed information for approval.

Overview of Good Clinical Practice and Human Subjects Protection. Course is offered electronically. Approved for three hours of practice management.

Jeffrey Hiatt, O.D., Approved for five continuing education hours for Five Reports on Professional Journals.

Association for Research in Vision and Ophthalmology. April 30 – May 5, 2005, Fort Lauderdale, Florida. Approved for twenty hours.

Northwest Eye Surgeons: Potpourri of Emerging Refractive Technology; Post-op Cataract C – Management; Optical Coherence/Tomography of Retinal Disease and Optic Disc, Glaucoma; New Procedure for Correction of Brow Ptosis; Strabismus in Seniors. November 3, 2005. Approved for one hour each presentation. Neuro-Ophthalmology Lecture, June 29, 2005. Approved for two hours.

Thomas Riley, O.D.: Supervisory Skills Training, April 6, 2005, Spokane Washington. Approved for ten hours.

Virginia Mason Medical Center: Unique Case Studies: Not Just Another Day in the Eye Clinic: September 20, 2005. Approved for one hour.

Alcon Laboratories: New Treatment Target in Glaucoma, Emerging Trends in Preventing and Treating Ocular Infections. Approved for two hours.

The Board briefly discussed preparation and presentation of lectures as a source for obtaining continuing education credits, specifically that the audience should be eye-care professionals. The Board asked that this matter be placed on a future agenda for discussion. Staff will prepare a Preproposal Statement of Inquiry to facilitate discussion.

4.2 Designation of Reviewer for Next Quarter.

Thomas Riley, O.D., will be the primary review. Mary Lou Staples will provide back-up as needed.

4.3 Approval of Continuing Medical Education (CME) courses

The Board considered a request to accept continuing medical education (CME) without review. This would likely require a rule change to include CME hours in the list of organizations whose courses are presumed to qualify for CE credit. Following discussion, the Board determined that because not all continuing medical education is related to the eye, each should be considered individually. The Board added that it would be pleased to approve those courses that are relevant to optometry.

5. Delegation of Signature Authority for Credentialing, Rulemaking and Disciplinary Functions.

The Board discussed updating the delegation of signature authority to Department staff for credentialing (applications), certain disciplinary documents and for filing of rule notices if approved by the Board. Following discussion, Thomas Riley, O.D., Chair signed the Delegation on behalf of the Board.

6. Budget Report – Information.

The Board considered preliminary budget figures related to revenue and expenditures for the month ending June 2005.

7. Report on Sub-Committee Recommendation and Proposed Amendments to WAC 246-852 in response to the Federal Contact Lens Consumer Act. Information.

Richard R. Ryan, O.D. reported on the status of the proposed rules to update the Consumer Access to Vision Care Act to facilitate compliance with the FCLCA. The Federal Act and rules address the release and verification of a contact lens prescriptions, and sale of contact lenses. The Board suggested that the record retention rule be changed to reflect the retention period of HIPPA. This change will require an amendment to the

current regulation. Staff will prepare a Preproposal Statement of Inquiry to facilitate discussion.

8. Federal Food, Drug, and Cosmetic Act amended to provide for the regulation of all contact lenses as medical devices.

The Board reviewed a copy of the Senate version of a bill to regulate contact lenses as medical devices passed the Senate on July 29, 2005. A companion bill, H.R. 371, is ready for House consideration when the Congress returns in September

9. Other Open Session Business

10. Presentation: Sanction Guidelines

In the last two legislative sessions, proposals came forward which would have resulted in mandatory sanctions for certain conduct. The legislation did not pass. Health Professions Quality Assurance management formed a work group to explore the idea of developing a uniform tool which could be used for all professions, with the goal of providing consistent sanction determinations across all professions for similar conduct. Karen Jensen, Supervising Staff Attorney, presented the proposal to the Board. The Board expressed concern that it would have less flexibility in determining sanctions.

11. The Board met in Executive Session to discuss pending litigation.

2:10 p.m. CLOSED SESSION:

12. Review of License Applications

There were no license applications to be considered.

13. Disciplinary Case Review

The Board considered the following cases.

CASE NUMBER	DISPOSITION
2004-07-0003OD	Refer for investigation
2005-04-0003OD	Close Case
2005-03-0004OD	Refer for investigation
2004-12-0004OD	Close Case
2005-03-0003OD	Refer for investigation
2005-02-0001OD	Refer for Investigation
2004-11-0003OD	Refer for Investigation
2005-08-0001OD	Case Disposition
2004-12-0005OD	Close Case
2005-01-0002OD	Case Disposition
2005-07-0002OD	Refer for Investigation
2004-12-0002OD	Refer for Investigation

2005-03-0006OD	Case Disposition
2004-07-0002OD	Close Case
2004-12-0003OD	Close Case
2005-05-0001OD	Case Disposition
2005-06-0001OD	Case Disposition
2005-08-0002OD	Refer for Investigation
2005-08-0004OD	Close Case
2005-07-0003OD	Refer for Investigation
2005-07-0001OD	Close Case
2005-08-0003OD	Close Case

14. Adjournment

The meeting was adjourned at 4:30 p.m.

Respectfully Submitted:

Judy Haenke, Program Manager

Approved:

Thomas Riley, O.D., Chair